

H.A.

0300

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (6-98)
 Approved for use through 09/30/2000. OMB 0651-0031
 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/758,759

Filing Date January 11, 2001

First Named Inventor Hosted et al.

Group Art Unit

Examiner Name

Total Number of Pages in This Submission 401

Attorney Docket Number ID0983K

ENCLOSURES (check all that apply)

☐ Fee Transmittal Form☐ Fee Attached☒ Amendment / Response☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Small Entity Statement☐ Request for Refund☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Additional Enclosure(s) (please identify below)

Notice to File Corrected
 Applic. Paper - copy 2 pages
 Return Postcard

Remarks

ADDITIONAL ENCLOSURES:

Sequence Listing Paper Copy - 340 pages

Sequence Listing Statement - 1 page

Diskette - 1

Drawings - 55 pages

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

Sandy S. Zaradic, Ph.D., Reg. No. 45,997

Signature

Date

April 26, 2001

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: April 26, 2001

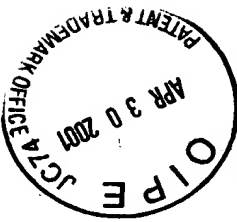
Typed or printed name Sandy S. Zaradic, Ph.D.

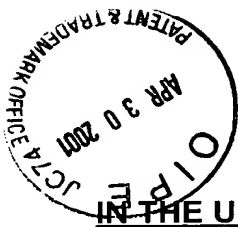
Signature

Date

April 26, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.





PATENT CASE: ID0983K US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | |
|--|---------------------------|
| -----X | |
| In re Application of: Hosted <i>et al.</i> : | : Examiner: Unknown |
| | X |
| Patent For: Everninomicin Biosynthetic | : Group Art Unit: Unknown |
| Genes | X |
| | : |
| Serial No.: 09/758,759 | X |
| | : |
| Filing date: January 11, 2001 | X |
| | : |
| -----X | |

April 26, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Response to Notice to File Corrected Application Papers

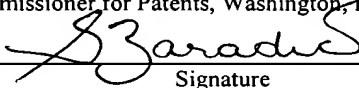
This is in response to the Notice to File Corrected Application Papers
(Confirmation No. 9474) dated March 29, 2001, in the above-identified application.
The 2-month deadline for response is May 29, 2001. Please charge any additional
fees or credit any overpayment to Deposit Account No. 19-0365.

In response to the Notice, Applicants enclose the following:

- i) a copy of the Notice;
- ii) substitute drawing sheets 1-55 (Figures 1-12G),
- iii) a paper copy of the "Sequence Listing";
- iv) a computer readable form copy of the "Sequence Listing"; and
- v) a declaration stating that the content of the paper and computer
readable copies are the same.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on this 26th day of April 2001.

April 26, 2001
Date


Signature

Sandy S. Zaradic, Ph.D.
Reg. No. 45,997

Please amend the subject application as follows:

IN THE DRAWINGS

Delete drawing sheets 1-55 (corresponding to Figures 1-12G) and insert the enclosed substitute drawing sheets 1-55 (corresponding to Figures 1-12G).

IN THE SPECIFICATION

After the Abstract, please insert the enclosed "Sequence Listing", pages 1-304.

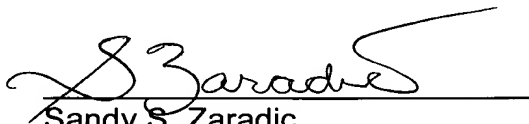
REMARKS

The drawings have been amended to comply with 37 C.F.R. § 1.84. Substitute drawing sheets 1-55 (corresponding to Figures 1-12G) which are believed to comply with 37 C.F.R. § 1.84 are submitted to replace current drawing sheets 1-55 (corresponding to Figures 1-12G).

In addition, the specification has been amended to comply with 37 C.F.R. § 1.821-1.825. A paper copy of the "Sequence Listing" which is believed to comply with 37 C.F.R. § 1.821-1.825 is submitted. In addition, a computer readable form of the "Sequence Listing" is submitted along with a Statement declaring that the information recorded on the diskette is identical to the paper copy.

No new matter has been added by these amendments. It is believed that the above amendments and submissions fulfill all requirements by the Examiner.

Respectfully submitted,


Sandy S. Zaradic
Reg. No. 45,997
Patent Agent
(908) 298-7221

SCHERING-PLOUGH CORPORATION
Patent Department, K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, New Jersey 07033-0530
Date: April 26, 2001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 09/758,759 | 01/11/2001 | Thomas J. Hosted | ID0983K |

24265
SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH, NJ 07033-0530



CONFIRMATION NO. 9474

FORMALITIES LETTER



OC000000005917597

Date Mailed: 03/29/2001

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

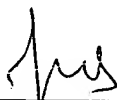
The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE